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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,675	12/15/2001	Alexander Vasilevsky	BCS03852	9565
43471	7590	07/10/2009		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196				
EXAMINER				
ATALA, JAMIE JO				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
07/10/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/017,675

Applicant(s)

VASILEVSKY ET AL.

Examiner

JAMIE JO VENT ATALA

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/003)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The references used in the non-final office action regarding Claim 3 lacked teaching "designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices, and during conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of selected programs". Therefore, a non-final rejection is issued as the claim limitations have been previously recited in dependent claim 3 and is now present in independent Claim 1.
2. Claims 1-2, 4, 6-10, 12 and 14-15 are pending. Claims 3, 5, 11, 13, 16 and 17 have been previously cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Yurt et al (US 5,550,863) in view of Thomas (US 2002/0059621).

[claim 1]

In regard to Claim 1 Yurt et al discloses a method of digital video program reproduction within defined premises (Column 2 Lines 28-67), said method comprising the steps of:

- receiving a plurality of electronic audio-visual programs (Figure 1f shows the receiving of audio video programs through the transmission system 100 as further described in Column 3 Lines 50-58 and Column 4 Lines 37-49);
- storing said programs in a centralized memory (Figure 1f shows the storing of incoming programs in a centralized memory in Figure 1f memory 200c as further described in Column 5 Lines 19-29. Additionally, as seen in Figure 2 an additional central memory is present to allow for further distribution of materials as described in Column 6 Lines 5-18);
- providing a first program reproduction device and a second reproduction device adapted to reproduce programs for viewers/users (Figure 1f shows the various reception systems that are accessible by users. As described in Column 2 Lines 60-37 and Column 4 Lines 38-49 the receiving systems stream the data to the user wherein the receiver/set-top boxes becomes a reproduction devices of the program information being transmitted. Furthermore, it is noted that multiple reproduction devices can be present that can provide the same functions);
- networking said centralized memory and first and second program reproduction devices together (Figure 1f shows the reception system 200 and 200', transmission devices 100, storage system 200c, and the users

200a and 200b are all networked together within the system. Additionally, the additional central memory that is present in the system that is accessible through a network as further seen in Figure 2b and thereby providing networking of all components within the system);

- selecting a program (Column 5 Lines 8-29 describes the selecting of material for playback from the A/V information that has been received into the system. Additionally, the secondary central memory also allows for selection of A/V programs, for example on-demand content, as described in Column 6 Lines 5-18); however, fails to disclose
 - distributing the ability to control reproduction of the selected program among the first and second reproduction devices so that, the selection of a viewer, said reproduction of said selected program is seamless between said reproduction devices such that the first reproduction device may live-pause the reproduction of the selected program and the second reproduction device may resume reproduction of the selected program.
 - designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices, and
 - during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of selected programs

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Thomas et al teaches a system to provide media content to various receivers further comprising:

- distributing the ability to control reproduction of the selected program among the first and second reproduction devices so that, the selection of a viewer, said reproduction of said selected program is seamless between said reproduction devices such that the first reproduction device may live-pause the reproduction of the selected program and the second reproduction device may resume reproduction of the selected program (Figure 7c and Figure 8 shows the relocating of a user and the process of relocating the currently watched program. As described in paragraphs 0089-0099 the user has the ability to use various equipments/reproduction devices and establish a live pause on one reproduction device and then switch/relocate to another reproduction and resume playback of the desired content making a seamless switch between the reproduction devices).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a central memory, as disclosed by Yurt et al, and further incorporate the ability for the user to control reproduction of the central memory from various devices with a live pause

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feature, as taught by Thomas et al, in order to allow adequate relocation techniques between multiple reproduction devices allowing user to access various shared media in a seamless and effective manner.

Tamai et al teaches a system wherein various recording mediums/array are in a system and various recording/read/write properties are associated with the mediums further comprising:

- designating as part of a hierarchy, a control ranking to each of said first and second reproduction devices (Column 13 Lines 38+ describes the designating by predetermined priority for the recording medium/array wherein the priorities provide control and recording to the appropriate mediums and thereby create a hierarchy of the recording devices), and
- during control conflicts, allowing the reproduction device attempting to control playback having the highest control ranking, to control the reproduction of selected programs (Column 14 Lines 15+ describes the control ranking of the recording medium wherein conflicts are resolved based on appropriate recording to the correct medium).

It is taught by Tamai et al to provide a system that has multiple recording mediums wherein control of the recording is based on priority setting to allow for appropriate recording. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital video program reproduction based on program and recording medium information, as disclosed by Yurt in view of Thomas,

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and further incorporate a system that designates as priority recording to the recording medium, as taught by Tamai et al, in order to allow for proper and efficient recording medium management.

[claim 2]

In regard to Claim 2, Yurt et al discloses a method wherein first and second reproduction devices contemporaneously display said selected program (Column 5 Lines 30-41 describes the reproduction devices wherein the reception system distributes the program data to users with various permissions. Thereby allowing various users the ability to watch the same program at the same time from various locations).

[claim 4]

In regard to Claim 4, Yurt et al discloses a transmission and receiving method; however fails to disclose

- Designating the first reproduction device as a master device;
- Designating the second reproduction device as a slave device;
- During control conflict involving the master device and the slave device, allowing the master reproduction device to control playback of selected program.

Thomas et al teaches a system for providing relocating data to various reproduction devices further comprising:

- Designating the first reproduction device as a master device (Paragraphs 101-112 describes the ability to provide a reproduction device as the master

device as administrative permissions are permitted to that equipment and thereby allowing the device to be a "master device" over the other devices present);

- Designating the second reproduction device as a slave device (Paragraphs 101-112 describes the pending users/equipment to contain permissions that are less than the administrator and thereby becoming a "slave device" to the master device due to the permissions (i.e. restrict and limit) associated with the device and the user);
- During control conflict involving the master device and the slave device, allowing the master reproduction device to control playback of selected program (Figure 11 shows the administrative account information associated with the master reproduction device. The system allows for limit and control over the data and thereby it would be obvious that playback of selected programs can be controlled due to restricting and limiting of the content as further described in paragraphs 0108-0112).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device through controlling of the user and equipment (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a local central memory, as disclosed by Yurt et al, and further incorporate the ability for the system to provide a hierarchy for controlling reproduction devices/users and thereby providing a "master and slave" devices through designating

the devices, as taught by Thomas et al, in order to allow adequate control of reproduction devices and program selection allowing proper access and control to users through the proper reproduction devices in a seamless and effective manner based on a hierarchy of equipment and user information.

[claim 6]

In regard to Claim 6, Yurt et al discloses a transmission and reception system with a centralized local memory; however, fails to disclose

- Viewing a selected program via a first reproduction device
- Establishing a pause point
- Pausing the playback of the selected program via said first reproduction device
- Resuming the playback of said selected program via the second reproduction device from said pause point.

Thomas et al teaches a system for providing relocating data to various reproduction devices further comprising:

- Viewing a selected program via a first reproduction device (Paragraphs 0089-0091 describes the viewing of a selected program via a receiver/reproduction device);
- Establishing a pause point (Paragraph 0091-0099 describes establishing a pause point through the receiver);

- Pausing the playback of the selected program via said first reproduction device (Paragraph 0091-0099 describe the pausing of content from a first reproduction device);
- Resuming the playback of said selected program via the second reproduction device from said pause point (Paragraphs 0089-0099 describes the relocating of the user to a second reproduction device and resuming playback from the established pause point).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a central memory, as disclosed by Yurt et al, and further incorporate the ability for the user to pause on one reproduction device and resume playback on a different reproduction device, as taught by Thomas et al, providing the same motivation as described in Claim 1.

[claim 7]

In regard to Claim 7, Yurt et al discloses a first and second reproduction devices that are capable of reproducing a selected program independently (Column 5 Lines 8-31 describes ability of the reproduction devices/receivers to select programs independently from each reproduction device and playback the program).

[claim 8]

In regard to Claim 8, Yurt et al discloses a system of digital video program reproduction within defined premises (Column 2 Lines 28-67), said method comprising the steps of:

- A program receiver adapted to receive a plurality of electronic audio-visual programs (Figure 1f shows the receiving of audio video programs through the transmission system 100 as further described in Column 3 Lines 50-58 and Column 4 Lines 37-49);
- A central memory adapted to store said programs (Figure 1f shows the storing of incoming programs in a centralized memory in Figure 1f memory 200c as further described in Column 5 Lines 19-29. Additionally, as seen in Figure 2 an additional central memory is present to allow for further distribution of materials as described in Column 6 Lines 5-18);
- A first program reproduction device and a second program reproduction device each adapted to reproduce programs for the viewers/users (Figure 1f shows the various reception systems that are accessible by users. As described in Column 2 Lines 60-37 and Column 4 Lines 38-49 the receiving systems stream the data to the user wherein the receiver/set-top boxes becomes a reproduction devices of the program information being transmitted. Furthermore, it is noted that multiple reproduction devices can be present that can provide the same functions);
- A network adapted to network said central memory and said first and second program reproduction devices (Figure 1f shows the reception system 200 and 200', transmission devices 100, storage system 200c,

and the users 200a and 200b are all networked together within the system. Additionally, the additional central memory that is present in the system that is accessible through a network as further seen in Figure 2b and thereby providing networking of all components within the system); however, fails to disclose

- o Wherein the ability to control live-pause reproduction of a selected program among the first and second reproduction devices is distributed so that, at the selection of a viewer, said live pause reproduction of a selected program is seamless between said first and second reproduction devices

Thomas et al teaches a system to provide media content to various receiver further comprising:

- o Wherein the ability to control live-pause reproduction of a selected program among the first and second reproduction devices is distributed so that, at the selection of a viewer, said live pause reproduction of a selected program is seamless between said first and second reproduction devices (Figure 7c and Figure 8 shows the relocating of a user and the process of relocating the currently watched program. As described in paragraphs 0089-0099 the user has the ability to use various equipments/reproduction devices and establish a live pause on one reproduction device and then switch/relocate to another reproduction and resume playback of the

desired content making a seamless switch between the reproduction devices).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a central memory, as disclosed by Yurt et al, and further incorporate the ability for the user to control reproduction of the central memory from various devices with a live pause feature, as taught by Thomas et al, in order to allow adequate relocation techniques between multiple reproduction devices allowing user to access various shared media in a seamless and effective manner.

[claim 9]

In regard to Claim 9, Yurt et al discloses a system wherein said central memory is part of a server (Figure 1f shows a central memory and also shows an additional central memory in Figure 2). As described in Column 11 Lines 18-36 a central memory has the ability to reside either on multiple database servers, in catalogs, or on other computer systems. Thereby the central memory shown in Figure 1f although does not explicitly disclose that it is located on a server it is understood that the central memory can reside on a server as seen with the additional central memory in Figure 2).

[claim 10]

In regard to Claim 10, Yurt et al discloses a system wherein first and second reproduction devices contemporaneously display said selected program (Column 5

Lines 30-41 describes the reproduction devices wherein the reception system distributes the program data to users with various permissions. Thereby allowing various users the ability to watch the same program at the same time from various locations).

[claim 12]

In regard to Claim 12, Yurt et al discloses a system having first and second reproduction devices; however fails to disclose

- Designating the first reproduction device as a master device;
- Designating the second reproduction device as a slave device;
- During control conflict involving the master device and the slave device, allowing the master reproduction device to control playback of selected program.

Thomas et al teaches a system for providing relocating data to various reproduction devices further comprising:

- Designating the first reproduction device as a master device (Paragraphs 101-112 describes the ability to provide a reproduction device as the master device as administrative permissions are permitted to that equipment and thereby allowing the device to be a “master device” over the other devices present);
- Designating the second reproduction device as a slave device (Paragraphs 101-112 describes the pending users/equipment to contain permissions that are less than the administrator and thereby becoming a “slave device” to the

- master device due to the permissions (i.e. restrict and limit) associated with the device and the user);
- During control conflict involving the master device and the slave device, allowing the master reproduction device to control playback of selected program (Figure 11 shows the administrative account information associated with the master reproduction device. The system allows for limit and control over the data and thereby it would be obvious that playback of selected programs can be controlled due to restricting and limiting of the content as further described in paragraphs 0108-0112).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device through controlling of the user and equipment (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a local central memory, as disclosed by Yurt et al, and further incorporate the ability for the system to provide a hierarchy for controlling reproduction devices/users and thereby providing a "master and slave" devices through designating the devices, as taught by Thomas et al, in order to allow adequate control of reproduction devices and program selection allowing proper access and control to users through the proper reproduction devices in a seamless and effective manner based on a hierarchy of equipment and user information.

[claim 14]

In regard to Claim 14, Yurt et al discloses a transmission and reception system with a centralized local memory; however, fails to disclose

- Viewing a selected program via a first reproduction device
- Establishing a pause point
- Pausing the playback of the selected program via said first reproduction device
- Resuming the playback of said selected program via the second reproduction device from said pause point.

Thomas et al teaches a system for providing relocating data to various reproduction devices further comprising:

- Viewing a selected program via a first reproduction device (Paragraphs 0089-0091 describes the viewing of a selected program via a receiver/reproduction device);
- Establishing a pause point (Paragraph 0091-0099 describes establishing a pause point through the receiver);
- Pausing the playback of the selected program via said first reproduction device (Paragraph 0091-0099 describe the pausing of content from a first reproduction device);
- Resuming the playback of said selected program via the second reproduction device from said pause point (Paragraphs 0089-0099 describes the relocating of the user to a second reproduction device and resuming playback from the established pause point).

It is taught by Thomas et al to provide a system that allows the user a relocate feature for remote storage of media and playback on a desired device (paragraphs 0006-0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of digital reproduction having a central memory, as disclosed by Yurt et al, and further incorporate the ability for the user to pause on one reproduction device and resume playback on a different reproduction device, as taught by Thomas et al, providing the same motivation as described in Claim 1.

[claim 15]

In regard to Claim 15, Yurt et al discloses a first and second reproduction devices that are capable of reproducing a selected program independently (Column 5 Lines 8-31 describes ability of the reproduction devices/receivers to select programs independently from each reproduction device and playback the program).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shteyn (US 2002/0133821)

Shteyn (US 2002/0162109)

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621